

AMENDED IN SENATE APRIL 29, 2003

**SENATE BILL**

**No. 240**

**Introduced by Senator McPherson**

February 14, 2003

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An act to amend Section 3112 of, *and to add Section 3113 to*, the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

SB 240, as amended, McPherson. Overseas absentee voting.

Under existing law, full effect is to be given to ballots cast by absentee voters under procedures established by federal law.

This bill would provide that, ~~if federal law so mandates or if there is no federal mandate and~~ *Monterey County and San Diego County shall, if* local elections officials so choose, ~~full effect is to be given~~ *give full effect* to registrations, requests for absentee ballots, and absentee ballots submitted under an electronic voting system that is a specified pilot project operated by the federal Department of Defense and the Federal Voting Assistance Program.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 3112 of the Elections Code is amended  
2 to read:  
3 3112. ~~(a)~~ If by any act of Congress which is now or may  
4 become effective during the effective period of this section,  
5 provision is made for voting by special absentee voter, that act  
6 shall control and be superior to any conflicting provisions of this

1 code, and all state, county, municipal, and district officers who are  
 2 charged with the performance of duties with reference to the  
 3 election laws of this state shall perform the duties and discharge the  
 4 obligations placed upon them by that act of Congress. It is the  
 5 purpose and intent of this section that full effect shall be given to  
 6 ballots cast by special absentee voters under federal statutes in  
 7 order that no person shall be deprived of his or her vote by virtue  
 8 of having cast his or her ballot under any federal statute rather than  
 9 under the laws of this state.

10 ~~(b) To the extent federal statutes mandate or, if there is no~~  
 11 ~~federal mandate, to the extent local elections officials choose, full~~  
 12 ~~effect shall be given~~

13 *SEC. 2. Section 3113 is added to the Elections Code, to read:*  
 14 *3113. (a) For the November 4, 2004, statewide general*  
 15 *election, to the extent local elections officials choose, Monterey*  
 16 *County and San Diego County shall give full effect to registrations,*  
 17 *requests for absentee ballots, and ballots submitted by uniformed*  
 18 *and overseas citizens wishing to cast absentee votes through the*  
 19 *Secure Electronic Registration and Voting Experiment, an*  
 20 *electronic voting system demonstration project operated by the*  
 21 *federal Department of Defense and the Federal Voting Assistance*  
 22 *Program.*

23 *(b) This section shall remain in effect only until January 1,*  
 24 *2005, and as of that date is repealed, unless a later enacted statute,*  
 25 *that is enacted before January 1, 2005, deletes or extends that date.*

